

Appln. No. 09/816,393
Reply to Office Action of July 2, 2003.

REMARKS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-3, 5-10 and 12-18 are presented for examination on this application. Claims 4 and 11 have been canceled without prejudice or disclaimer. Claims 14-18 have been withdrawn from consideration. Claims 2, 3, 5, 6, 8-10, 12, and 13 were previously amended. Claims 1 and 7 have been currently amended without the introduction of new matter to better highlight the present invention as to etching the first trench insulating film with an etchant having an etching selectivity between the insulating film and the substrate as recited at page 14, lines 17-23 of the specification.

In the outstanding Action, Claims 1-3, 5-10, 12 and 13 were rejected as violating the written description requirement of the first paragraph of 35 U.S.C. §112.

Turning to page 2 of the outstanding Action, it is there asserted that the disclosure of page 14, line 9 to page 15, line 3 only teaches the selectivity of the etchant between the insulating film and substrate and that this selectivity is less than an absolute prohibition to substrate etching. Consequently, the previous claim language requiring the etching of the insulating film to form the second trench "without etching the semiconductor substrate" was argued to be lacking the required written description in the application as filed because the specification does not expressly state or show how to absolutely prevent incidental minor substrate etching.

It is submitted that the elimination of the language "without etching the semiconductor substrate" from Claims 1 and 7 and replacing it with the current language requiring --using an etchant having an etching selectivity between the insulating film and the semiconductor

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support-- overcomes this rejection of Claims 1-3, 5-10, 12 and 13. Once again, this is because the present amendment to independent Claims 1 and 7 has clear support at the above-noted portions of page 14.

In addition to the present amendment to Claims 1 and 7 being clearly sufficient to remove the rejection of Claims 1-3, 5-10, 12, and 13 under the written description requirement of the first paragraph of 35 U.S.C. §112, it also insures that base independent Claims 1 and 7 still define over the previously relied upon teachings of Yu. This is because Yu clearly requires providing a semiconductor substrate that must be etched so that there is no teaching or suggestion of using the claimed etchant with the claimed "etching selectivity between the insulating film and the semiconductor substrate." In Yu substantial intentional etching of the semiconductor substrate is the goal, not the use of an etchant that is not designed for this substantial substrate etching as in the present invention.

Thus, base independent Claims 1 and 7 also clearly patentably define over Yu. As Claims 2, 3, 5-10, 12, and 13 all ultimately depend on either base independent Claim 1 or base independent Claim 7, these dependent claims also clearly patentably define over Yu.

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Accordingly, as no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to this effect is earnestly and respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Eckhard H. Kuesters', is written over the printed name.

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